

**COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
DEPARTMENT OF MENTAL RETARDATION**

**NOTICE OF PUBLIC HEARING
PROPOSED AMENDMENT OF REGULATIONS**

In accordance with M.G.L. c. 30A, the Department of Mental Retardation proposes to amend its regulations under the authority of M.G.L. c. 19B, §§ 1, 14 and c. 123B, § 2. Amendments of 115 CMR 2.01, 6.01-6.09 are intended to effect the following changes to and clarification of the Department of Mental Retardation's existing practices and procedures regarding eligibility and prioritization for services and supports provided to individuals with mental retardation in the Commonwealth of Massachusetts.

- (A) Makes current the definitional standard of "mental retardation" which forms the basis for eligibility for adult services based upon a consensus view regarding critical indicators of mental retardation. Updates and clarifies terminology and establishes firm standards for adult eligibility. 115 CMR 2.01 and 6.04.
- (B) Establishes that the Department determines standardized evaluations and credentials for qualified practitioners for administration of accepted assessments. 115 CMR 2.01, 6.02 and 6.04
- (C) Clarifies definitions of developmental disability and closely-related conditions which serve as the basis for children's eligibility. 115 CMR 2.01 and 6.04
- (D) Clarifies application and re-application processes. 115 CMR 6.02
- (E) Clarifies two-step process for determining eligibility for Department services. 115 CMR 6.02 -6.06
- (F) Changes adult prioritization determinations based upon identified assessments that clarify the difference between a request for a service and the demonstrated need for a service; reduces the number of prioritization levels from four to two to correlate to results of need assessments; provides that prioritization assessments will be for service requested rather than generically for all supports; aligns regulatory framework for residential supports more closely with legal framework required for service provided under Medicaid home and community- based waiver program (42 USC 1915(c)). 115 CMR 6.07

TWO HEARINGS HAVE BEEN SCHEDULED:

Monday, November 14, 2005 from 2:00 p.m. to 5:00 p.m. at One Ashburton Place, 21st Floor Conference Room, Boston, MA 02108 and Thursday, November 17, 2005, from 10:00 a.m. to 1:00 p.m. at the Worcester Public Library, Saxe Room, 3 Salem Square, Worcester, MA 01608.

Written comments may be submitted (by fax or mail) to the Office of the General Counsel, Department of Mental Retardation, 500 Harrison Avenue, Boston, MA 02118 on or before 5:00 p.m. Thursday, November 17, 2005.

Copies of proposed regulations are available upon request by telephone (617) 624-7702, by written request made to the Office of the General Counsel, or for viewing at www.dmr.state.ma.us.

The Department may adopt a revised version of the proposed regulations taking into account relevant comments and any other practical alternatives that come to the Department's attention.

By Order of the Department of Mental Retardation
GERALD J. MORRISSEY, JR., COMMISSIONER

October 17, 2005